

DA 00-212

Before the
Federal Communications Commission
Washington, D.C. 20554

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MM Docket No. 00-20
RM-9733

² Stations KDGG(AM) and KPLT(AM) are also licensed to Paris.

that there is a gain of 27,552 people after adjustment for the population loss. Carephil points out that the loss area is served by four other local commercial stations and a new non-commercial station. According to Carephil, Mount Pleasant is an incorporated community with a 1990 Census population of 12,291 people. Further, Mount Pleasant has its own City Hall and operates under a Council/Manager form of government with a mayor and five council members. Carephil states that Mount Pleasant has its own fire department, chamber of commerce and regional medical center and may be located in the Internet at www.mtpleasant-tx.com. Carephil contends that reallocating Channel 270C2 to Mount Pleasant will serve the public interest by providing a first local service to the community of Mount Pleasant while not depriving the community of Paris of local service.

3. We believe that Carephil's proposal warrants consideration since the allotment of Channel 270C2 at Mount Pleasant could provide the community of Mount Pleasant with its first local FM service while not depriving Paris of its sole local aural service. A staff engineering analysis indicates, using Carephil's proposed site, that there will be a gain in service of 99,836 people and a loss in service to 72,784 people with Station KBUS(FM) serving 113,366 people at Mount Pleasant. The analysis also shows that the loss area is served by five or more services. In accordance with Section 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest in the use of Channel 270C2 at Mount Pleasant.

4. Channel 2702 can be allotted to Mount Pleasant, Texas, in compliance with the Commission's minimum distance separation requirements at Carephil's specified site.³

5. In view of the fact that the proposed allotment could provide a first local FM service to Mount Pleasant without depriving Paris of its sole local service, the Commission believes it would serve the public interest to solicit comments on the proposal to allot Channel 270C2 to Mount Pleasant, Texas. Therefore, we will seek comments on the proposed amendment to the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, with respect to Paris and Mount Pleasant, Texas.

Community	Channel No.	
	Present	Proposed
Mount Pleasant, Texas	-----	270C2
Paris, Texas	230C2, 270C2, 299C2	230C2, 299C2

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

³ The coordinates for Channel 270C2 at Mount Pleasant are 33-11-47 and 95-06-10.

Interested parties may file comments on or before March 27, 2000, and reply comments on or before April 11, 2000, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D. C., 20554. Additionally, a copy of such comments should be served on the petitioner's counsel, as follows:

Gregg P. Skall
Pepper & Corazzini, L.L.P.
1776 K Street, N.W., Suite 200
Washington, D. C. 20006

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

9. For further information concerning this proceeding contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204.(b) and 0.283 of the Commission's Rules, **IT IS PROPOSED TO AMEND** the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off Procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal communications Commission, Washington, D, C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 445 Twelfth Street, SW, Washington, D. C 20554.